

Received
In Chambers of:
Chief U.S. District Judge
DORA L. IRIZARRY

DEC -9 2016

December 8, 2016

U.S. Magistrate Steven Tiscione
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY

Dear Judge Tiscione:

I am a reporter with Newsday covering the case of U.S. v Zhong, 16CR614 (previously 16mj1000). I am writing to renew a request for access to a detention letter and a security proposal filed by the defense in this case at the time of the defendant's appearance on Nov. 17.

My Nov. 18 request is posted on PACER as Docket #16. Two letters from the defense, which are described as "under seal" by PACER, are Docketed as #13 and #14. It is not clear if these letters include the security proposal from Guidepost Solutions, which I am also seeking.

As you may recall, I initially filed my request for access with Magistrate Judge Reyes, who presided at the proceeding on Nov. 17 and was given the security proposal by hand during the proceeding. The case was then transferred to you. On Nov. 22, you ordered the parties to respond to my request for unsealing by Nov. 30. No responses have yet been posted on PACER.

In the absence of any findings by a judicial officer that these materials should be sealed, and in the absence of a response from either of the parties opposing unsealing, I would request that these materials be publicly posted, or that I receive access in some other way.

I rely on the presumption of access of the press and public to judicial proceedings and documents, and the arguments contained in my letter of Nov. 18. I would also note that the case has now been indicted and assigned to Judge Irizarry as 16CR614, and that the defense has publicly filed (Docket #25) a new letter relating to bail.

This makes it clear that there is no basis or need for keeping the original defense bail arguments and security proposal secret. The documents I seek have been secret for three weeks now without any judicial findings or any effort by either the prosecution or defense to justify sealing, and should be released.

Thank you for your attention.

/John Riley
Newsday
516-458-2393

Cc Chief Judge Irizarry